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November 18, 2016

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Honorable Alvin K. Hellerstein
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007
Facsimile: 212 805 7942

Honorable Paul G. Gardephe
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007
Facsimile: 212 805 7986

Re: United States v. Zimmian Tabb, 12 CR 763 (PGG)

United States v. Zimmian Tabb, 16 CR 747 (AKH)

Dear Judges Hellerstein and Gardephe:

I am the Court-appointed attorney for Zimmian Tabb, a defendant in the above two referenced pending cases separately assigned to Your Honors. I respectfully request that consideration be given to the consolidation of these matters before one Judge since each case is based almost entirely on the same set of underlying facts and circumstances.

The case filed under docket number 12 CR 763 involves specifications that Mr. Tabb violated the terms of his supervised release imposed on him by Judge Gardephe in connection with a prior criminal case by possessing, and possessing with the intent to distribute, approximately 3.75 grams of crack cocaine and approximately .97 grams of marijuana on August 13, 2016. Mr. Tabb's initial appearance in this matter took place before Judge Gardephe on September 27, 2016 and the next conference is currently scheduled for January 12, 2017.

The case filed under docket number 16 CR 747 involves a one count charge that Mr. Tabb distributed, and possessed with the intent to distribute, crack cocaine on August 13, 2016 in violation of Title 21, United States Code, Section 841(b)(1)(C). The crack cocaine allegedly involved in this case is the same 3.75 grams of crack cocaine that is allegedly involved in the case filed under 12 CR 763. Mr. Tabb's first appearance before Judge Hellerstein took

place on November 16, 2016.¹ The Government will be producing discovery in this case by December 2, 2016, and a followup conference will take place on January 4, 2017.²

Since each pending matter relates almost entirely to the same underlying facts and circumstances, I believe consideration should be given for both matters to be consolidated and adjudicated by the same Judge in the interests of Judicial economy and efficiency. Thank you for your consideration of this request.

Respectfully,

/s/ Richard E. Signorelli

Richard E. Signorelli

cc (via ECF):

AUSA Rebekah Donaleski
AUSA David W. Denton, Jr.

cc (via 1st Class Mail):

Mr. Zimmian Tabb

¹This allegation was initially made in a criminal complaint filed on September 28, 2016.

² The allegations underlying both pending federal cases were also the subject of a New York State case that has recently been dismissed.